



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WOMEN AND SOCIAL LEGISLATION IN THE UNITED STATES

BY FLORENCE KELLEY,

New York City.

It was the intention of the writer to outline briefly the contribution to social legislation made by women in our country during the past three-quarters of a century. Instead of this, however, the tragedy of the continent of Europe bids us pause and review, under its shadow, all our social activities. It warns us to test them, to weigh them soberly and, perhaps, to change wholly their direction.

For forty years the rulers of Europe have been steadily preparing this catastrophe. Money needed for bread and for schools has been, decade after decade, spent for guns and ammunition, for barracks, and for maintaining in them millions of young men forced to be idle in their best working years. Today in Europe the social gains of all the weary years since the wars of Napoleon are in peril. Whoever wins in the end, every warring nation will be the poorer in men, in homes, in health, and in hope.

With the honorable exception of the Socialist party, the voters in England, France, Germany and Austria elected to office throughout those forty years the candidates of the militarist parties. The voters thus consciously shared the fatal responsibility. Under the shadow of this world tragedy who stands, today, in Europe with clean hands? Only the women who have no vote, no share in the government—and the children. But when their sons lie buried in foreign soil, and the babes in their arms wilt and starve, what avails it for the mothers in the warring nations that their own personal consciences are clear of all share in preparing these horrors?

Against the gruesome background of the European war stands forth the social fact that, since our own Civil War, followed by the emancipation of four million slaves a half century ago, the most important social legislation achieved in our country has been the enfranchisement of three million women in ten states and Alaska. For the first time in human history three million women can, within their own nation, act with the power of full citizens in relation to

peace and war. They can help to decide that never again shall the fruits of social legislation be swept away by men in arms.

Seen in the glare of the events of our time, by far the most vital social reform now pending is, accordingly, the Bristow-Mondell resolution,¹ which, after receiving a majority vote in the Senate of the United States, is before the House Committee on Rules. For when this resolution receives the two-thirds vote in both Houses prescribed by the Constitution of the United States, it will go for ratification to the legislatures; and when thirty-six legislatures ratify it, all the women of the nation will become full voting citizens.

¹ *The Bristow-Mondell Amendment.* Senate Resolution 130, and House Resolution 1.

Proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), that the following article be proposed to the legislatures of the several states as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

"Article.—Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

"Sec. 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

² Of the required thirty-six legislatures, twenty-one are probably now ready to ratify. That is certainly the position of the legislatures in the ten states in which women now vote. Nine more legislatures are presumably ready, inasmuch as they have voted to submit to a referendum the amendments to state constitutions which are now pending. These are Nevada, Montana, North and South Dakota, Iowa, Pennsylvania, New Jersey, New York and Massachusetts. The legislatures of Wisconsin and Michigan also within recent years referred to the voters amendments to their state constitutions, Michigan doing so twice in two consecutive years. (The governor of the state vetoed the second bill.)

Fifteen states will have to ratify the Bristow-Mondell amendment besides the twenty-one here specified. It is reasonable to suppose that these will be Nebraska, Missouri and Ohio, whose citizens have filed initiative petitions to be followed by popular vote in November, 1914; the five New England states which border Massachusetts; Delaware, West Virginia and Maryland, which form the southern boundaries of Pennsylvania; Indiana and Kentucky, contact states of Illinois; Minnesota between Wisconsin and the Dakotas; and Oklahoma, neighboring state of Colorado.

This calculation rests upon the observed fact that the enfranchisement

Cumbersome as is this procedure, it is by no means an impossible undertaking as has been shown by the recent ratification of two amendments in a single year.³

A characteristic change in the legislative activities of women in the present century is their tendency to work with men rather than in associations exclusively their own. The Women's Christian Temperance Union, the National Council of Women, the Federation of Women's Clubs, with its many valuable committees promoting legislation, date back into the nineteenth century. But the many newer national organizations for promoting long life, good health and improved morals comprise both men and women. This tendency to work together makes it increasingly difficult to discriminate the share of women in the accomplished legislation. Even where women vote, their ballots are not usually distinguishable from those of men.

The permanent social and industrial interests of modern women are, however, well illustrated by four bills pending before Congress, as to each one of which the Consumers' League, for instance, wields a laboring oar. These are the Booher bill, dealing with the labor of prisoners, the bill for safety at sea, the Palmer child labor bill, and the resolution for an appropriation to enable the Bureau of Labor to investigate the cost of living in the District of Columbia. The proposed beneficiaries of these four bills are all working people, each group peculiarly helpless after its own kind. They are wage-earning women in the District of Columbia where neither they nor the men of their families can defend their interests with ballots; second, children anywhere employed in mines, quarries, factories and workrooms; third, seamen who are, as their name suggests, usually afloat and unable to make themselves heard from as constituents during campaigns for electing senators and representatives; and, finally, prisoners who, of all the working class, are the most indescribably defenseless.

The proposed federal official enquiry into the cost of living in of women has, with the exception of Illinois, spread from one state where women vote to its next neighbor. A state, moreover, in which a campaign preceding a referendum is in process, arouses the greatest interest of all in its adjoining neighbors.

³ Authorizing Congress to establish an income tax, and providing for the direct election of United States senators by popular vote in the states.

the District of Columbia is meant to prepare the way for a minimum wage commission for the District, kindred to the commissions already at work fixing minimum wages for women and girls in Massachusetts, Minnesota, Oregon and Washington. It is particularly timely because of the 8-hours law for women in the District enacted last winter and already in effect. This federal bill is one link in the long chain of increasingly successful efforts to standardize the wages and working hours of women and girls. In this nation-wide struggle, the supreme courts of New York and Illinois have reversed themselves and held, in the end, that the working hours of women may be limited by statute, the Supreme Court of the United States having previously so decided. The number of persons affected by the proposed federal investigation is obviously small. The importance of the enquiry must not, however, be gauged by its size, but rather by its position as a link in the chain. For, whenever the federal government, acting upon the facts elicited, establishes, as it sooner or later must do, a minimum wage commission for the District, a most valuable impetus will be given to the movement for such commissions in all the states. No legislation can be more thoroughly social in its character than this. For disease and vice are forever rooted in the cruel injustice that leaves to blind competition the determination of the recompense of labor.

The Federal Child Labor Bill

The Palmer federal child labor bill is proposed in the interest of the children, and of all enlightened and humane employers and communities who suffer the competition of the mean or of the benighted. It is, finally, meant to satisfy the consciences of enlightened women who are dependent upon the federal government for that which they cannot do for themselves and their individual states cannot do for them.

Intelligent mothers prefer not to buy the products of the labor of children. But after fifteen years of effort by the Consumers' League, and ten years' work of the National Child Labor Committee, it is still impossible to learn whether a supply of cotton goods comes from a mill in Massachusetts working under the children's 8-hours law, or from the southern branch of the same mill working under the odious, new, sham law of Georgia. Women are still unable to keep

their consciences clear of sharing indirectly as consumers in the employment of young boys at night in the Pennsylvania glasshouses and steel mills, and of children in the cotton mills of North and South Carolina, or under the cruel conditions of cannery work in Maryland or on the Gulf Coast. They are, therefore, in no faltering terms asking Uncle Sam to safeguard by the Palmer bill all his children precisely as he safeguards, once for all, through his patent office and his federal courts, those patents under which the cotton manufacturers and the canners have alike grown rich and powerful.

Under the Palmer child labor bill, factories, workshops, mines, quarries and dealers are all alike forbidden to ship, in interstate commerce, goods in producing which children have been employed before the fourteenth birthday, or during the night, or more than eight hours in twenty-four, or at risk of life, limb or health.

A generous share of the work and money needed to promote this eminently social federal statute comes from women who both serve as trustees of the National Child Labor Committee and are among its most eager, faithful members in the several states. Women have always been a majority in the Consumers' League membership, its principal financial supporters, and most active in its legislative efforts.

Prison Contract Labor

As purchasers, as spenders of the family income responsible for the moral, physical and social consequences of their disbursements, women have no means of learning which goods are made in prisons and which by free labor. Except in the narrow range of stitched goods that carry the Consumers' League label, or the trade union label, this statement is sweepingly true.

The Booher convict contract labor bill is, therefore, intended to place prison products, whenever they may be shipped into a state, under the laws of that state, whatever those laws may be. For want of this federal law, garments may be sold, for instance, in New York City, which are made in another state by prisoners suffering from loathesome diseases communicable in clothing. The characteristic prison maladies are tuberculosis and syphilis. Yet New York state, which forbids such traffic within its own borders, cannot guard its citizens against this risk of disease coming from without, cannot enable them to be warned of the source of these

wares. For the Court of Appeals of New York held, in the Hawkins case, that under the Constitution, a state may not require that contract convict goods must be, when shipped into it, so labeled as to warn the purchaser that they were made in prisons.

In the Wisconsin State Reformatory, at Green Bay, 85 to 90 boys are employed in making overalls and "brownies." Surely mothers who ignorantly buy these goods ought to have an enforceable legal claim to know what they are getting. But until the Booher bill becomes a law, the New York decision in the Hawkins case will effectively bar the way to such knowledge.

In the Michigan state prison at Jackson, a cannery has recently been opened, and there is nothing to prevent other prisons from following this example. These goods are sold extensively in Indiana and Wisconsin under labels disguising their origin. Indeed, the prison-made garments and foods distributed throughout the country, without distinguishing labels or with misleading ones, constitute a distinct peril to the health of consumers.

Nor can a state protect free labor within its borders from the competition of prisoners working unpaid in the service of contractors; and this in branches of manufacture in which the prisoners are often unable, after their release, to maintain themselves. Manufacturers who use the label of the Consumers' League have frequently complained that this utterly anti-social competition makes it impossible for them to pay generous wages to their employes. Some 7,500 prisoners are employed in Connecticut, Delaware, Kentucky, Maryland, Michigan, Missouri, Nebraska, New Jersey, Rhode Island, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin in making shirts, overalls, hosiery, brooms, buttons, brushes, shoes, etc. For the work of the boy "brownie" makers and overall workers in the State Reformatory at Green Bay, Wisconsin receives a nominal return of about \$.70 a day. In practice this amounts to about \$.50—and if a fair charge should be made for rent, heat, water, power, light, etc., the net return might fairly be stated at \$.30.

These are all conspicuously women's industries. The average labor price in all these prisons is about \$.55 a day. The Wisconsin State Board of Control estimates the value of overhead items—rent, heat, light, power, etc.—at about \$.20 to \$.25 a day. The average net price of convict labor in these industries is, therefore, about \$.30 a day or \$1.80 a week.

Wage-earning women in these occupations must obviously face this cut-throat competition. Not merely do the 7,500 prisoners displace free self-supporting women outright, their labor, concentrated within a limited range of production, profoundly depresses the wage of practically all the women employed in these branches. Manufacturers testify at public hearings before legislative and Congressional committees that the prison price rules the market price, that they cannot sell their products until the prison goods have been disposed of; that in times of depression they are forced to give the right of way to the prison factory and slacken their own output or shut down entirely. This pressure was especially in evidence in the summer of 1914.

Convict contract labor is due chiefly to the inability of wage-earning women to defend their own interests on the political field. In the hundred years' struggle between free labor and convict labor in men's industries, men, as they improved their economic and political status, exerted upon legislatures pressure which slowly eliminated prison competition from their field. Such industries as stone cutting, foundry work, etc., are today practically eliminated from contract prisons. (In the prisons conducted under the state use system, the inmates are naturally employed at work required by the state, but their products do not come into competition with the products of free labor *in the open market*.)

In the place of industries normally employing men there have come the needle trades which, in the outside world, are practically all women's industries. Wage-earning men have thus, through their political power, shifted the burden of prison competition upon the women workers.

Convict contract labor gives rise to other evils. It tends to compel prisoners to return to crime as soon as they are released, for if the prison has taught them women's trades, they find all factory doors closed. It is unjust to the prison administration, for the prisoners know that they are learning no useful trade and resent the enforced labor. Wardens testify that they have far more trouble in shops where the inmates are employed at needle trades than in other shops. Only when convict contract labor is utterly banished from an institution is any effective effort made to keep prisoners employed in the greatest possible variety of ways, as Dr. Katherine

Davis has always done at Bedford Reformatory, to substitute for the sake of physical health, in the place of monotonous, indoor manufacture, agriculture, horticulture, roadmaking, cement work and every available outdoor occupation. Yet it is thus alone that prisoners can be helped in body, mind, character and ability for self support.

Since the National Consumers' League began its agitation for this legislation, the Booher bill has twice passed the House—unanimously in 1912, and by a vote of 302 to 3 in 1914. On August 25, 1914, the Senate Committee on Interstate Commerce reported it favorably, and it is now on the Senate calendar. It has been amended to exclude paroled convicts and eleemosynary institutions for minors, and to take effect in 1916. There is no hope of its passage in 1914, but it should pass at the short session. Under the chairmanship of Julian Leavitt, the Committee on Prison Contract Labor of the National Consumers' League will agitate for the Booher bill until its efforts are crowned with success.

Safety at Sea

We who are the great nation of travelers might reasonably be expected to care for safety at sea. Such is, however, not our record. In advocacy of Senator La Follette's bill intended to make sea travel safer for both passengers and seamen, no passenger has ever appeared before any Congressional committee save only the writer of this article.

This bill passed the Senate in March, 1914, and was held in the House Committee on Mercantile Marine and Fisheries until August, when a substitute bill passed the House and was sent to a committee in the Senate where it now rests. Until the Consumers' League, at its annual meeting in November, 1913, endorsed the La Follette bill, the struggle for safety at sea had been left, for full twenty years since its beginning, to the seamen. Even the loss of the *Titanic* caused only a ripple of interest in social legislation of this character. Following that monstrous destruction of human life, Congress contented itself with requiring continuous wireless service with two certificated wireless operators on board ships leaving our harbors. There is unceasing influential effort to relax even this slender im-

provement; and this nation will be fortunate beyond its deserts if, at the close of the present Congress, our statutes do not assure us less safety at sea rather than more.

There is a certain grim irony in a joint effort for safety legislation carried forward by seamen who, by reason of their calling, cannot impress their wishes effectively upon their senators and representatives, and by women who have no votes!

The writer having, throughout a quarter century, striven, not altogether fruitlessly, to promote social legislation feels increasingly with each passing year that the position of a voteless woman thus occupied is discouraging and a little ridiculous. She, therefore, especially welcomes the publication of the present issue, being convinced that the readers of *The Annals* can, if they will, obtain the passage by the present Congress of the Bristow-Mondell resolution. After that the relation of women to social legislation will enter upon a new and immeasurably more hopeful era.